

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES

NO. 2:20-cr-00045-GAM

JUDGE MCHUGH

v.

ABDUR RAHIM ISLAM
SHAHIED DAWAN
KENYATTA JOHNSON
DAWN CHAVOUS

Defendants

[PROPOSED] ORDER

AND NOW, this _____ day of _____, 2022, upon consideration of Defendant Kenyatta Johnson's Motion to File Under Seal His Response in Opposition to Government's Motion *in Limine* to Admit Certain Evidence in Phase One of the Bifurcated Trial Under Either Rule 402 or Rule 404(b) of the Federal Rules of Evidence, it is hereby ORDERED that the Motion is GRANTED. Defendant Kenyatta Johnson's Response in Opposition to Government's Motion *in Limine* to Admit Certain Evidence in Phase One of the Bifurcated Trial Under Either Rule 402 or Rule 404(b) of the Federal Rules of Evidence and the attached exhibits SHALL BE FILED UNDER SEAL.

BY THE COURT:

Honorable Gerald Austin McHugh
U.S. District Court Judge

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES

NO. 2:20-cr-00045-GAM

JUDGE MCHUGH

v.

ABDUR RAHIM ISLAM
SHAHIED DAWAN
KENYATTA JOHNSON
DAWN CHAVOUS

Defendants

**DEFENDANT KENYATTA JOHNSON'S MOTION
TO FILE UNDER SEAL HIS RESPONSE IN OPPOSITION
TO GOVERNMENT'S MOTION *IN LIMINE* TO ADMIT CERTAIN
EVIDENCE IN PHASE ONE OF THE BIFURCATED TRIAL UNDER
EITHER RULE 402 OR RULE 404(B) OF THE FEDERAL RULES OF EVIDENCE**

Defendant Kenyatta Johnson (“Councilmember Johnson”), by and through his undersigned counsel, hereby moves to file under seal his concurrently submitted Response in Opposition to Government’s Motion *in Limine* to Admit Certain Evidence in Phase One of the Bifurcated Trial Under Either Rule 402 or Rule 404(b) of the Federal Rules of Evidence and its accompanying exhibits, attached hereto as Attachment 1. In support of this motion, Councilmember Johnson respectfully states as follows:

1. On January 28, 2020, the Government filed a twenty-two-count racketeering Indictment against Defendants Abdur Rahim Islam, Shahied Dawan, Dawn Chavous, and Councilmember Johnson (ECF No. 1). Only two of the twenty-two counts in the Indictment pertain to Councilmember Johnson and/or his spouse, Ms. Chavous. Those are counts Nine and Ten, which charge all four Defendants with honest services wire fraud under 18 U.S.C. §§ 1343 and 1346.

2. On February 7, 2020 the Court issued a Protective Order limiting disclosure of materials produced by the Government in discovery (ECF No. 26).

3. On January 29, 2021, the Court ordered that counts Nine and Ten are severed from the remaining counts and will be tried separately (ECF 77).

4. On January 7, 2022, the Court ordered that trial on counts Nine and Ten will commence on March 21, 2022 (ECF 148).

5. On January 4, 2022, the Government filed a Motion *in Limine* to Admit Certain Evidence in Phase One of the Bifurcated Trial Under Either Rule 402 or Rule 404(b) of the Federal Rules of Evidence (ECF No. 130) (the “Motion to Admit”).

6. Councilmember Johnson has prepared a response in opposition to the Motion to Admit (the “Opposition”).

7. The Opposition attaches, quotes, and otherwise references certain material covered by the Protective Order.

8. The Opposition also attaches, quotes, and otherwise references certain material protected from disclosure by Rules 6.1(c)(2) and 6.1(c)(4) of the Local Criminal Rules of the United States District Court for the Eastern District of Pennsylvania.¹

WHEREFORE, Councilmember Johnson respectfully requests that the Court enter an Order in the form submitted herewith directing that Defendant Kenyatta Johnson’s Response in Opposition to Government’s Motion *in Limine* to Admit Certain Evidence in Phase One of the Bifurcated Trial Under Either Rule 402 or Rule 404(b) of the Federal Rules of Evidence and the attached exhibits be filed under seal.

¹ Councilmember Johnson filed a public version of the Opposition via CM/ECF earlier today (ECF No. 159). In that version of the Opposition, the material protected from disclosure is redacted.

Dated: January 18, 2022

Respectfully submitted,

/s/ Patrick J. Egan

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CERTIFICATE OF SERVICE

I, Patrick Egan, hereby certify that on this day, I caused the foregoing to be filed electronically with the Case Management/Electronic Case Filing System (“CM/ECF”) for the Federal Judiciary. Notice of this filing will be sent to all parties by operation of the Notice of Electronic Filing system, and the parties to this action may access this filing through CM/ECF.

Dated: January 18, 2022

/s/ Patrick J. Egan

Patrick J. Egan